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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,352	03/02/2005	Oliver Woell	4738 0001US	8970

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GERMANY

EXAMINER

THOMAS, ALEXANDER S

ART UNIT PAPER NUMBER

1772

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/526,352	WOLF, OLIVER	
	Examiner	Art Unit	
	Alexander Thomas	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-58 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 29-58 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/2/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 29-42, 44, 47-50 and 52 are rejected under 35 U.S.C. 102(b) as being anticipated by Bingham 4,406,320. See Figure 1, the Abstract and column 4, lines 24-27. The reference discloses a covering device comprising an impregnated fabric having slits therein and mounting piece 10 integral with the device which is attached to the automobile by placing it between a door and a frame of the automobile. Concerning claims 37 and 38, these claims are not directed to any specific structural features and, therefore, do not distinguish over the reference's product.
3. Claims 29-38, 44, 47 and 49-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Langley 6,513,853. See the Abstract. Concerning claims 37 and 38, these claims are not directed to any specific structural features and, therefore, do not distinguish over the reference's product.

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4. Claims 49-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Dang 5,456,515. The reference discloses a cover for an automobile that covers

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bingham or Langley each in view of Dang. The primary references disclose the invention substantially as claimed; see Figure 1, the Abstract and column 4, lines 24-27 of Bingham and the Abstract of Langley. However, they do not disclose the use of an opening in their covers. Dang discloses the use of an opening in an automobile cover to allow placement of the cover around the side mirrors; see Figure 1. It would have been obvious to one of ordinary skill in the art to have openings in the covers of the primary references for side mirrors as taught in Dang if protection of a greater surface area of the automobile was desired.

7. Claims 49 and 51-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming 2,994,356. The reference discloses the invention substantially as claimed, namely an automobile cover comprising an attachment means; see Figure 1 and column 3, lines 2-19. The opening 32 may be considered an attachment means. However, the reference does not disclose a cover with no roof portion. It would have

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been obvious to one of ordinary skill in the art to form the cover of the reference without a roof portion if protection of the roof area of the automobile was not important.

8. Claims 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over either of Bingham or Langley. The references each disclose window covers with attachment means for covering automobiles. These window covers do not include panels for covering the roof of the automobile. It would have been obvious to one of ordinary skill in the art to provide additional panels to cover any other area of the automobile, such as the roof, if one wanted to protect the roof from snow, etc.

Information Disclosure Statement

9. The foreign reference cited but not considered was not considered because a copy of the reference was not supplied.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Thomas whose telephone number is 571-272-1502. The examiner can normally be reached on 6:30-4:00 M-THUR.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Alexander S. Thomas".

ALEXANDER S. THOMAS
PRIMARY EXAMINER